

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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WELLS FARGO BANK, N.A.

Plaintiff,

-against-

STARX MOTORS LLC, JEAN S. SMITH,
BENJAMIN SCHRAGE, JACQUES A.
HORN, GENE T. OLIVER, MICHAEL A.
CHAVEZ and JACQUELINE CHAVEZ

Defendants.
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: Civil Action No.: 1:20-cv-05455
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: **AMENDED PROPOSED**
: **DEFAULT JUDGMENT**
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This action having been commenced on July 15, 2020 by Plaintiff Wells Fargo Bank, N.A. (“Wells Fargo”), a copy of the summons and complaint having been served on Defendant Starx Motors LLC (“Starx Motors”) by personally serving Starx Motors through its registered agent on September 17, 2020, proof of service having been filed on October 9, 2020, Starx Motors not having answered the Complaint, and Starx Motors’ time for answering the Complaint having expired on October 8, 2020, the Clerk having entered default against Starx Motors on October 20, 2020; a copy of the summons and complaint having been served on Defendants Jacqueline Chavez and Michael A. Chavez (the “Chavezes”) by personally serving the Chavezes on August 15, 2020, proof of service having been filed on September 1, 2020, the Chavezes not having answered the Complaint, and the Chavezes time for answering the Complaint having expired on September 8, 2020, the Clerk having entered default against the Chavezes on October 20, 2020; and Wells Fargo having made a separate motion (ECF No. [47], the “Wells Fargo Interpleader Motion”) requesting that the Court issue an Order directing the Clerk of Court to accept the interpleader funds in the amount of \$64,151.21 (the “Restrained Proceeds”) less Wells Fargo’s reasonable attorney’s fees

and costs, the Court having entered an order dated January 3, 2021 directing Wells Fargo to submit its proposed attorneys' fees and costs and then resubmit the proposed default judgment, and Wells Fargo having submitted its proposed attorneys' fees in the amount of \$6,269.00 costs in the amount of \$1,667.00 for a total of \$7,936.00, and it is hereby

ORDERED that Wells Fargo has judgment against Defendants Starx Motors and the Chavezes; and it is further

ORDERED that upon the deposit of the subject Restrained Proceeds less Wells Fargo's reasonable attorney's fees and costs, in the net amount of \$56,215.21, as permitted under applicable law and the Wells Fargo Deposit Agreement, Wells Fargo will be dismissed from this action.

Dated: New York, New York
January __, 2021

HON. ALVIN K. HELLERSTEIN, USDJ